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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,963

03/30/2006

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EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT

PAPER NUMBER

3739

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,963	Applicant(s) QUEYROUX ET AL.	
	Examiner MATTHEW J. KASZTEJNA	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/6, 7/20/9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “maneuvering element”, “handle” and “eyepiece” (claim 1); “lenses” (claim 8); and “optical fibers of polyhedral shape” (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what is meant by "while at least one of the first and second mechanical connection and optical transmission elements has spherical outer walls with a diameter substantially equal to that of the inner walls, so as to allow three degrees of freedom in rotation, without any degree of freedom in translation, of these two elements relative to the walls of the seat". It is unclear how the outer spherical wall 40₁ can allow for three degrees of freedom in rotation, and at the same time, no degrees of freedom in translation. It seems that the wall 40₁ must rotate translationally, otherwise, force would not be transmitted from the first set of guide wires to the second set of guide wires. Furthermore, this phrase directly contradicts the disclosure (paragraph 0046) wherein it is explicitly stated "these two disks 40 and 50 are mutually joined, *both in translation and in rotation*". Thus it is unclear what is meant by the current limitation recited in claim 2. Claim 6 is rejected as being necessarily dependant upon claim 2.

It is also noted that the claims appear to be a literal translation into English from a foreign document.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "outer spherical walls" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 5 is rejected as being necessarily dependant upon claim 3.

The term "almost" in claim 6 is a relative term which renders the claim indefinite. The term "almost" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not clear what is meant by "*almost* semicylindrical connection portions".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,919,112 to Siegmund.

In regard to claims 1-2, Siegmund discloses a fiberscope comprising a body 12 and an insertion tube 13 belonging to a part that is separable from the body (see Col. 2, Lines 41-42), this body and this separable part being mechanically joined at a connection zone 14, this fiberscope also comprising: first guide means belonging to the

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body, in particular a first set of cables 51/52, that can be operated via a maneuvering element 56 belonging to the body, in particular a handle (see Fig. 3 and Col. 3, Lines 20-26); second guide means belonging to the separable part, in particular a second set of cables 28/29, that are able to move the insertion tube (see Fig. 2); first optical means 17 belonging to the body, and able to transmit light to the connection zone and return an image of this connection zone to a zone for viewing by a practitioner, such as an eyepiece 16 (see Col. 2, Lines 49-53); second optical means 18, 25 belonging to the separable part and able to transmit light from the connection zone to a distal end of the insertion tube and return an image from this distal end of the insertion tube to the connection zone (see Col. 2, Lines 59-63) and first and second mechanical connection and optical transmission elements which are joined removably in service, each element being integral with corresponding guide means in such a way that a movement imparted by the first guide means can be transmitted to the second guide means, these mechanical connection and optical transmission elements) also being able to transmit light coming from the first optical means to the second optical means and to return an image from the second optical means to the first optical means (see Fig. 1 and Col. 2, Lines 51-53 and Col. 3, Lines 39-43).

In regard to claim 3, Siegmund discloses a fiberscope, characterized in that the first and second mechanical connection and optical transmission elements are joined removably, in service, by being mutually fixed in a removable manner (see Fig. 1 and Col.2, Lines 40-67).

In regard to claim 4, Siegmund discloses a fiberscope, characterized in that a first mechanical connection and optical transmission element, provided with outer spherical walls, defines a groove 58, 59 for receiving, in a removable manner, a second mechanical connection and optical transmission element, which is in particular a plane disk 32 (see Figs 1-3).

In regard to claim 5, Siegmund discloses a fiberscope, characterized in that the first mechanical connection and optical transmission element has two parallel front faces and a protruding crown defining, with one of these front faces, the receiving groove (see Figs. 2-3 and Col.3, Lines 1-35).

In regard to claim 6, Siegmund discloses a fiberscope, characterized in that the connection zone comprises two complementary, *almost* semicylindrical connection portions belonging respectively to the body and to the separable part, in which connection portions corresponding recesses 58, 59 are formed which are intended to form the seat in service (see Fig. 1 and 3).

In regard to claim 7, Siegmund discloses a fiberscope, characterized in that the first and second mechanical connection and optical transmission elements are joined removably in service by being wedged relative to one another, in particular by being pressed flat against one another (see Fig. 1).

In regard to claim 8, Siegmund discloses a fiberscope, characterized in that the first optical means comprise a succession of lenses 17 associated with a light source (see Fig. 3 and Col. 2, Lines 49-58).

In regard to claims 9-12, Siegmund discloses a fiberscope, characterized in that the second optical means comprise a central bundle 18 of optical fibers that are able to return an image from the distal end of the insertion tube to the connection zone, and also a peripheral bundle 25 of optical fibers that are able to transmit light from the connection zone to this distal end (see Fig. 3 and Col. 2, Lines 49-58). It is well known in the art that image/fiber optic light bundles comprise many individual fibers packed tightly together to transmit light therethrough. The fiber optic bundles are well known to be sheathed to ensure the fibers stay packed tightly together, thus allowing for a good transmittance of light.

In regard to claim 13, Siegmund discloses a fiberscope, characterized in that the connection zone is surrounded by an external locking means, in particular a ring 14 (see Fig. 1 and Col. 2, Lines 39-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Kasztejna/
Primary Examiner, Art Unit 3739

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